State of Wisconsin
Department of Natural Resources
Bureau of Water Quality
Permits Section - WQ/3

Multi-Discharger Variance Application Evaluation Checklist

Form 3200-145 (R 5/16)

Notice: This checklist is meant to be a tool to help Department of Natural Resources (DNR) staff review municipal and industrial multi-discharger variance (MDV) applications (Forms 3200-149 and 3200-150). Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records Law (ss. 19.31-19.39, Wis. Stats.).

Permittee Name

Agropur inc. - Luxemburg

WPDES Permit Number	County
WI- 0 | 0 | 5 | 0 | 2 | 3 | 7	Kewaunee

1. Did the point source apply for the MDV at the appropriate time?	◉ Yes ○ No. *STOP- facility not eligible at this time.*	*See Questions 1-3.*
2. This operation is (check one):	○ New or relocated outfall. *STOP- facility not eligible.* ◉ Existing outfall	*See Questions 5-6.*
3. Is the point source is located in an MDV eligible area?	◉ Yes ○ No. *STOP- facility not eligible.*	*Apply County information to Appendix H. Additional information provided in Q7 on municipal form & Q7-8 on industrial form.*
4. The secondary indicator score for the county (counties) the discharge is located is:	5	*See Appendices A-F. If the score is less than 2, stop; the facility is not eligible. See Q23 on municipal form & Q28 on industrial form.*
5. Is a major facility upgrade required to comply with phosphorus limits?	◉ Yes ○ No. *STOP- facility not eligible.*	*See Q8 on municipal form/Q9 on industrial form.*
6. List the months where phosphorus limits cannot be achieved during the permit term:	☒ All ☒ Jan ☒ Apr ☒ Jul ☒ Oct ☒ Feb ☒ May ☒ Aug ☒ Nov ☒ Mar ☒ Jun ☒ Sep ☒ Dec	*Consider checking with limit calculator. If this does not match information in application, the application should be updated prior to approval.*

7. What is the current effluent level achievable?

Outfall Number(s)	Conc. (mg/L)	Method for calculation:	Does this concur with application?	
009	0.43	◉ 30-day P99 ○ Other, specify:	◉ Yes ○ No, why not:	*DNR staff should verify the effluent concentration value(s) provided. See Q11 on municipal form & Q12 on industrial form.*

8. What is the appropriate interim limitation(s) for the permit term?

0.6 mg/L, as a monthly average, pursuant to s. 283.16 (7) Wis. Stats.

Target Value = 0.2 mg/L

The interim limit will be reevaluated should the applicant apply for a future variance term.

Provide Rationale:

The applicant provided, as part of the variance application and previously submitted final compliance alternatives plan, phosphorus effluent data from 2013 - 2018. Average phosphorus concentrations have been dropping over the past years due to optimization efforts. The WQBEL memo may prescribe an interim limit that differs from that shown above.

Note: See description in Section 2.02 of the MDV implementation guidance. Interim limitations should reflect the "highest attainable condition" for the permittee in question pursuant to s. 283.16(7), Wis. Stat.

9. *For Industries Only*- Where does the phosphorus in the effluent come from? (check all that apply)	☒ Process ☐ Additive Usage ☐ Water supply *Can intake credits be given or can the facility use an alternative water supply?* ○ Not feasible ○ Possibly, but further analysis needed ○ Not evaluated at this time	*See Q14-15 & 19 on industrial form. If the answer is "possibly" or "not evaluated", the schedule section of the MDV permit should contain a requirement to perform this analysis.*
10. Has this facility optimized?	◉ Yes ○ In progress ○ No	*See Q14 on municipal form & Q16 & 20 on industrial form. Facility must optimize and operate at an optimize treatment level (s. 283.16(6)(a), Wis. Stat.)If no will need compliance schedule.*
11. Has a facility plan/compliance alternative plan been completed for the facility?	◉ Yes ○ In progress ○ No	*See Q15 on municipal form & Q17 on industrial form.*
12. What is the projected cost for complying with phosphorus? Source:	$ 1,931,516.00 Final Compliance Alternatives Plan	*Facility must submit site-specific compliance costs. If cost projections are used from EIA, the permittee must certify that these costs are reasonable for the facility in question. See "projected compliance costs" in Section 2.02 of the MDV Implementation Guidance for details.*

Comments on planning efforts:

The Final Compliance Alternatives Plan (Plan) prepared by The Probst Group (February 2019) and submitted by Agropur Luxemburg provides facility planning details surrounding the low phosphorus WQBEL. A discussion of past optimization efforts was provided. The Plan included an evaluation of water quality trading and adaptive management. Adaptive management is not an option and water quality trading, while it may be an option, was priced higher than treatment options and there are no projects identified at this time. Trading may be a viable option in the future. Cost estimates were provided for tertiary filtration options capable of meeting the WQBEL. The lowest cost option, cloth media filtration, was used in the economic demonstration.

13. Are adaptive management and water quality trading viable?	○ Yes ◉ Perhaps. Additional analysis required. ○ No	*See Q18-21 on municipal form & Q22-25 on industrial form. If additional analyses required, the applicant may need to complete this analysis during the MDV permit term.*
14. Has the point source met the appropriate primary screener?	◉ Yes ○ No. *STOP- facility not eligible.*	*See Q4 of this form in addition to the "eligibility" guidance in Section 2.01 of the MDV Implementation Guidance.*

Comments on economic demonstration:

Multiple treatment technologies were evaluated in the Plan, and site-specific cost estimates for these treatment technologies were provided. Parkson dual-stage sand filtration was the preferred treatment technology listed on the MDV application, with a present value of $2,676,000 when taking into account conservative financing costs. A lower cost option was available, which consisted of an AquaAerobics cloth media filtration system. The site-specific cost for this system was estimated at $1,931,561. Since this number does not include financing costs, the net present value of this option would likely be only slightly lower than the Parkson sand filter cost provided on the MDV application. Agropur Luxemburg is located in Kewaunee County, in which the industrial cheese manufacturing category has a secondary indicator score of 5. With this score, one primary screening criterion is required to be met. Kewaunee County is not within the upper 75% of counties incurring costs, but the facility itself is shown to be in the top 75% of facilities incurring costs (above a threshold of $1,510,000), meeting the primary screening criterion.

15. What watershed option was selected?

- (●) County project option. *Complete Section 5.*
- ( ) Binding, written agreement with the DNR to construct a project or implement a watershed plan. *Complete Section 4.*
- ( ) Binding, written agreement with another person that is approved by the DNR to construct a project or implement a watershed plan. *Complete Section 4.*

Section 4. Watershed Plan Review

16. MDV Plan Number: *Note: This is for tracking purposes. Contact Statewide Phosphorus Implementation Coordinator for the plan number.*	_____
17. Did the point source complete Form 3200-148?	( ) Yes ( ) No
18. Is the project area in the same HUC 8 watershed as the point of discharge?	( ) Yes ( ) No. *STOP- Watershed plan must be updated.*
19. What is the annual offset required? *See Section 2.03 of the MDV implementation guidance. If this value is different from the offset target provided in form 3200-148, the watershed plan should be amended.*	_____
20. Does the plan ensure that the annual load is offset annually?	( ) Yes ( ) No. *STOP- Watershed plan must be updated.*

21. Are projects occurring on land owned/operated by a CAFO or within a permitted MS4 boundary?

- ( ) Yes. *Work with appropriate DNR staff to ensure projects are not working towards other permit compliance.*
- ( ) No.

22. Are other funding sources being used as part of the MDV watershed project?

- ( ) Yes. *Work with appropriate DNR staff to ensure that funding sources can be appropriately used in the plan area.*
- ( ) No.

23. Do you have any concerns about the watershed project? *Note: Coordinate with other DNR staff as appropriate.*	( ) Yes. *STOP- Watershed plan must be updated.* ( ) No.

Comments:

Section 5. Payment to the County(ies)

24. At this time, the appropriate per pound payment is: $ 54.23

See "Payment Calculator" document at
\\central\water\WQWT_PROJECTS\WY_CW_Phosphorus\MDV.

Section 6. Determination

Based on the available information, the MDV application is:

- (●) Approved
- ( ) Request for more information
- ( ) Denied

Additional Justification (if needed):

Certification	
Preparer Name	Title
Matt Claucherty	Water Resources Management Specialist
Signature of Preparer	Date

A copy of this completed checklist should be saved in SWAMP, and a notification of the decision should be sent to the Phosphorus Implementation Coordinator.